

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No: 17-cr-965 MCA
	)	
KIRBY CLEVELAND,	)	
	)	
Defendant.	)	

**ORDER GRANTING UNITED STATES' AND DEFENDANT'S JOINT MOTION  
TO DESIGNATE THIS CASE COMPLEX UNDER 18 U.S.C. §3161(h)(7)(b)(ii)**

**THIS MATTER** having come before the Court on the *United States' and Defendant's Joint Motion to Designate This Case Complex Under 18 U.S.C. §3161(h)(7)(B)(ii) and Issue Discovery, Conference and Motions Deadlines*, filed May 11, 2017 [Doc. 27]. The Court having been apprised of the complexity of this case, and noting that there is no objection, hereby FINDS and ORDERS as follows:

1. Given the complexity of this case, the nature of the charges, and the necessity of medical experts to be retained in this matter, this matter is a complex case for speedy trial purposes as contemplated by 18.U.S.C. § 3161(h)(7)(B)(ii);

2. Therefore, this case is declared as complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii);

(a) The parties are hereby ordered and directed to meet and confer so as to craft a proposed Stipulated Scheduling Order which will be presented to the Court for review and consideration and should incorporate the following deadlines:

- Completion of discovery for government and defense (except for the parties' continuing duty to disclose);
- Pretrial discovery motions;
- Responses to pretrial discovery motions;
- Replies to responses to pretrial discovery motions;
- Pretrial substantive motions;
- Responses to pretrial substantive motions;
- Replies to responses to pretrial substantive motions;
- Exhibit lists,
- Witness lists,
- Changes of plea,
- Motions in limine,
- Rule 404(b) motions,
- Daubert motions, and
- Stipulations;
- Proposed jury instructions,
- Proposed voir dire,
- Responses to motions in limine,
- Objections to exhibits (with responses to objections due seven (7) calendar days thereafter)
- Delivery of exhibit binders to the Court in chambers

**IT IS FURTHER ORDERED** that the Call of Calendar will be set by separate Order. At the Call of the Calendar and Pretrial Motions hearing, the Court will address all outstanding pretrial motions including motions in limine, stipulations and objections to: exhibits, witnesses, voir dire, deposition testimony.

**IT IS FURTHER ORDERED** that the current trial of June 5, 2017 is hereby vacated. A new Trial date will be set by separate Order.

**IT IS, THEREFORE, ORDERED** that this case is declared as complex pursuant to 18 U.S.C. Section 3161 (h)(7)(B)(ii); on the basis that this case is so complex that it is unreasonable to expect adequate preparation for pretrial proceedings and for the trial itself within the time limits otherwise established by the Speedy Trial Act.

The parties shall submit a proposed Scheduling Order to the Court with proposed deadlines on or before July 31, 2017, or shall otherwise notify the Court by that date that the terms of an Order could not be agreed upon. In that event, the Court will enter its own Scheduling Order.

**IT IS FURTHER ORDERED** that all the time from the filing of this Order until the Court files its Order establishing a new trial date shall be excluded for purposes of the Speedy Trial Act.

**ORDERED** this 12th day of May, 2017, in Albuquerque, New Mexico.



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**HONORABLE M. CHRISTINA ARMIÑO**  
**CHIEF UNITED STATES DISTRICT JUDGE**